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LISTED ON SECOND PAGE*

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

THOMAS RIX, an individual, on
behalf of himself, and on behalf of
all persons similarly situated,

Plaintiff,

vs.

LOCKHEED MARTIN
CORPORATION, a Maryland
Corporation, and DOES 1 to 10,

Defendant.

Case No. 09-cv-2063-CAB (NLS)

**JOINT MOTION TO DISMISS
ACTION PURSUANT TO F.R.C.P.
RULE 41(a)(1)(A)(ii)**

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10 LOCKHEED MARTIN CORPORATION
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1 Plaintiff Thomas Rix (“Plaintiff”) and Defendant Lockheed Martin
2 Corporation (“Defendant”), by and through their respective counsel of record, enter
3 into this Joint Motion to dismiss this action pursuant to F.R.C.P. Rule
4 41(a)(1)(A)(ii). The Parties hereby stipulate and agree as follows:

5 WHEREAS, on September 21, 2009, Plaintiff filed the above-captioned
6 action in the United states District Court for the Southern District of California
7 against Defendant;

8 WHEREAS, on February 3, 2010, Plaintiff filed an Amended Class and
9 Collective Action Complaint in this action;

10 WHEREAS, on November 15, 2010, Plaintiff filed a motion for class
11 certification;

12 WHEREAS, on March 14, 2011, the Court denied Plaintiff’s motion for class
13 certification;

14 WHEREAS, on February 15, 2013, the District Court issued an Order
15 declining to exercise supplemental jurisdiction over Plaintiff’s remaining state law
16 claims, which were dismissed without prejudice, leaving only Plaintiff’s individual
17 Fair Labor Standards Act (“FLSA”) claim pending in this District;

18 WHEREAS, there is a bona fide dispute as to the validity of Plaintiff’s FLSA
19 claim;

20 WHEREAS, the Parties have reached a compromise to resolve Plaintiff’s
21 FLSA claim; and

22 WHEREAS, the Parties agree that Plaintiff’s FLSA claim and the action
23 should be dismissed with prejudice.

24 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and
25 through the Parties’ respective counsel, as follows:

- 26 1. Plaintiff’s FLSA claim and the action are dismissed in its entirety with
27 prejudice;
- 28 2. Plaintiff’s motion for class certification was previously denied;

3. Plaintiff's remaining state law claims have previously been dismissed without prejudice;
4. This dismissal will be without prejudice as to any individual other than Plaintiff;
5. The Court's Order of dismissal will include the approval of the settlement of Plaintiff's FLSA claim;
6. Each party shall bear his or its own attorneys' fees and costs, except as set forth in the Parties' settlement.

IT IS SO STIPULATED.

Dated: July 3, 2013

BLUMENTHAL, NORDREHAUG & BHOWMIK

By: /s/ Norman Blumenthal
Norman Blumenthal
Attorneys for Plaintiff
THOMAS RIX

Dated: July 3, 2013

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ Alexander M. Chemers
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LOCKHEED MARTIN CORPORATION